

**GOA STATE INFORMATION COMMISSION**  
'Kamat Towers', Seventh Floor, Patto, Panaji – Goa

**CORAM: Shri Juino De Souza State Information Commissioner.**

Complaint No. 162/SCIC/2011

Mr. Chandreshwar B. Naik,  
H.No.422, Dhulapi  
Khorlim, Tiswadi – Goa.

..... Complainant

**v/s**

Public Information Officer,  
Panchayat Secretary,  
Village Panchayat of Khorlim.  
Khorlim Tiswadi –Goa.

..... Opponents

**Relevant emerging dates:**

Date of Hearing : 09 /05-2016  
Date of Decision : 09 /05-2016



**ORDER**

1. Brief facts of the case are that the Complainant Mr. Chandreshwar B. Naik, had filed a complaint before this commission on 14-11-2011 and the said Complaint was Disposed vide an Order of this Commission passed on 11-04-2012. The Commission in the said Order had stated that the complainant has received the information and the only grievance is that the information furnished to him is incorrect and hence the Complainant must be given an opportunity to substantiate that the information given to him is incomplete, incorrect and misleading and the further enquiry was posted for 04-06-2012.
2. During the hearing the Complainant is absent despite advance notice sent by Registered Post. From the record of Roznama it is seen that the Complainant has remained absent during the hearing on 15/02/2016 and again on 04/04/2016. Thus he is absent for three hearings.

3. The Respondent PIO submits that all information was furnished to the Complainant and that nothing survives in the complaint and there is no need for the Respondent PIO to participate in the enquiry as it is essentially a matter between the Commission and the Complainant as the Complaint is already Disposed and it is for the Complainant to prove his case that information furnished to him by the PIO was incorrect, incomplete, misleading, etc. The Respondent PIO submits a written declaration which is taken on record.
4. The Commission finds that despite giving an opportunity to the Complainant on three occasions to prove his case he has failed to avail the opportunity by remaining absent. The Complainant has not produced nor could adduce any evidence on his said claim that the information provided to him was incorrect, incomplete and misleading and as such adverse inference has to be drawn against the Complainant.
5. No doubt the commission under Section 18 has the power to conduct an enquiry in a matter before it however the very fact that this Commission in its Order of 11-04-2012 has stated that information is furnished is itself sufficient proof of bonafide that the PIO has acted reasonably and diligently and that information given was as available and as it existed as per the records and which is the mandate of the RTI Act.
6. As stipulated in the RTI Act the role of the PIO is to provide information as available from the records. Regrettably the PIO cannot procure information for the satisfaction of the complainant. The PIO is not authorized to give any information which is non-existent nor can he create or analyze the information correctly as per the whims and fancies of the Complainant.

7. The PIO is only called upon to supply information accurately in accordance with record available without withholding any information. It is not a case where the PIO has denied information or knowingly given incorrect, incomplete or misleading information or destroyed information.
8. The Commission is of the view that this is an old matter of the year 2011- 2012, therefore asking the Complainant to prove his case in the year 2016 after a lapse of four years and conducting an enquiry to ascertain whether the information furnished by the PIO to the Complainant is wrong or right is not only a long drawn time consuming process that may take years for the enquiry to conclude but will also harass the Complainant with delays and unnecessary expenditure, besides not serving any useful purpose and will be an exercise in futility
9. Therefore I am of the view that there was no malafide intent for providing incorrect, incomplete or misleading information by the PIO and as such find it prudent to accordingly order the enquiry proceedings to be closed.
10. All proceedings in the Complaint case are accordingly closed. Pronounced in open court before the parties who are present. Notify the parties concerned. Authenticated copies of the order be given free of cost.

sd/-

**Juino De Souza**  
**(State Information Commissioner)**

